(19)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

(DIVISION BENCH)

CORAM : Hon'ble Shri S.R. Nayak, CJ
Hon'ble Shri Satish K. Agnihotri, J.

Misc. Appeal No. 636 OF 2005

APPELLANTS
CLAIMANTS

1. Shri Mannulal Dhiver aged about 44 years S/o Late Sukhiram Dhiver

2. Geetabai Dhiver, aged about 42 years, W/o Shri Mannulal Dhiver

Both resident of - Village - Sendh, Police station - Mandirhasoud, District - Raipur (C.G.)

Versus

RESPONDENTS
NON-CLAIMANTS

1. Sauvrabh Kumar S/o Lalit Kumar Gupta, Resident of - Nayapara, Ward No.- 5, Mahasamund, District - Mahasamund (C.G.)

2. Ravi Sahu S/o Umashankar Sahu, R/o Ganesh Market, Bazar ward, Mahasamund, Disst Mahasamund (C.G.) (Registered owner of the Motor cycle bearing registration No. C.G.-06/3021)

3. The United Insurance Company Limited, Through Divisional Office, Jail Road, Raipur, District - Raipur (C.G.)
Issuance Branch- The United Insurance Company Limited - 7, Vivekverdhan Seva Ashram complex, New mandi Road, Mahasamund, District - Mahasamund (C.G.)
(validity of insurance date - 30-07-2003 to 29-07-2004, Policy No. 190581/31/03/00107)

Present:

Mr. Shivendu Pandya, learned counsel for the appellants.

ORAL ORDER
(Passed on 2nd of December 2005)

The following Order of the Court was passed by

S.R. Nayak, CJ:

The parents of the deceased who are claimants not being satisfied with the compensation awarded by the MACT have preferred this appeal. It was argued by learned counsel for the appellants that the compensation awarded by the MACT, in the facts and circumstances of the case and evidence on record, is inadequate and unreasonable.

(2) Having perused the records, we do not think that there is any substance in the contention. The deceased was eighteen years of age and he was earning as Hamalli. In that view of the matter, the MACT has taken his income at Rs.80/- per day for the purpose of assessing loss of dependency. The MACT has applied the correct multiplier. The MACT has also awarded reasonable compensation under the other permissible heads. We do not find any fault or error in the impugned award. Hence, we dismiss the appeal. There is no order as to costs.

Sd/-
Chief Justice

Sd/-
SATISH K. ANGNIHOTRI
Judge

Subby